

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**Form 7. Mediation Questionnaire**

*Instructions for this form: <https://www.ca9.uscourts.gov/forms/form07instructions.pdf>*

**9th Cir. Case Number(s)** 23-35479

**Case Name** Azzopardi et al. v. Rosenblum, et al.

**Counsel submitting this form** James Buchal

**Represented party/parties** All plaintiffs

*Briefly describe the dispute that gave rise to this lawsuit.*

This case presents a challenge to Oregon's permit-to-purchase requirement for firearms under the Second and Fourteenth Amendment to the United States Constitution. Plaintiffs raise both an as-applied challenge (the permitting process currently does not exist, so there is effectively no way to purchase a firearm in Oregon if the permitting provision is allowed to go into effect) and a facial challenge (on the grounds that the permitting process is an unconstitutional barrier to acquiring a firearm).

Plaintiffs are Daniel Azzopardi, an Oregon resident, and Sportsman's Warehouse, Inc., a sporting goods chain that operates several licensed firearms stores throughout Oregon. Sportsman's Warehouse only raises an as-applied challenge to the law.

*Feedback or questions about this form? Email us at [forms@ca9.uscourts.gov](mailto:forms@ca9.uscourts.gov)*

*Briefly describe the result below and the main issues on appeal.*

Because the permit-to-purchase requirement is currently enjoined, the district court dismissed Plaintiffs' as-applied claim on ripeness grounds. Following a trial on the merits, the court held the permit-to-purchase requirement is facially constitutional.

On appeal, both the facial and as-applied challenges to the permit-to-purchase challenge are raised.

*Describe any proceedings remaining below or any related proceedings in other tribunals.*

There are no proceedings remaining below, though the district court has yet to enter final judgment following issuance of its order.

This case was consolidated with three others challenging the same Oregon law for trial purposes. One other case has been appealed to this court. See *Fitz v. Rosenblum*, No. 23-35478. The other two cases have not been appealed but may still be appealed. See *Oregon Firearms Fed. v. Brown*, No. 22-cv-1815 (D. Or.) and *Eyre v. Rosenblum*, No. 22-cv-1862 (D. Or.) There is a related case in state court challenging the same Oregon law at issue here. See *Arnold v. Brown*, No. 22CV41008 (Harney County). The law is currently preliminarily enjoined under a state court order in that litigation.

**Signature** s/ James L. Buchal

(use "s/[typed name]" to sign electronically-filed documents)

**Date** 07/24/2023